

PROCEEDINGS OF THE WAUKESHA COUNTY BOARD OF SUPERVISORS
Tuesday, August 10, 2004 - 7:00 p.m.

Chairman Dwyer called the meeting to order.

Roll Call: Behrend, Bullermann, Broesch, Bruce, Carlson, Cummings, Dwyer, Griffin, Gundrum, Harenda, Haukohl, Herro, Jaske, Jeskewitz, Kallin, Kipp, Klein, Kolb, Manke, Marchese, Mitchell, J. Morris, B. Morris, Nilson, Paulson, Pavelko, Seitz, Singert, Stamsta, Stroud, Swan, Thelen and Wolff

Supervisor Tortomasi notified the Chairman she would be absent.

Supervisor Kramer notified the Chairman he would be late.

Public Comment:

Peter VanHorn, Uphold Veto, 159-O-037

Dennis Mohr, Con, 159-O-040

George Hinkens, Con, 159-O-040

Tom Schober, Con, 159-O-040

Stephen Betzler, Con, 159-O-040

Larry Bartell, Con, 159-O-040

Sharon Leair, Uphold Veto, 159-O-037

Susan Bergmann, Override Veto, 159-O-037

Larry Nelson, Override Veto, 159-O-037

Rod Stillwell, Uphold Veto, 159-O-037

John Lotzer, Con, 159-O-040

Jeff Flaws, Override Veto, 159-O-037

Dave Dubey, Uphold, 159-O-037

John Hoaglund, Con, 159-O-040

Lynne Hoelkinger, 3110 Woodridge, Waukesha, Override Veto 159-O-037

The following people registered, in favor of a Veto Override, 159-O-037, but did not wish to speak: Jane Ameel, Paul Bergmann, Maxine Towle

Nancy Messnick registered, in favor of Ordinance 159-O-037, but did not wish to speak.

Christopher Wodushek registered, in favor of Ordinance 159-O-040, but did not wish to speak.

The County Clerk announced the County Executive vetoed Ordinance 159-O-037 (Amend Waukesha County Code of Ordinances regarding Federated Library Capital Cost Reimbursement Program). Resolutions 159-R-003 (Support the Creation of a Disease Prevention Trust in the State of Wisconsin) and Resolution 159-R-005 (Support State and Federal Legislation for Extended Producer Responsibility of Consumer Electronics) were returned unsigned and become effective commencing this Board meeting.

Supervisor Broesh moved to approve the minutes of the July 27, 2004 Board meeting. Supervisor Behrend seconded the motion and it carried by a voice vote unanimously.

The Chairman asked the Board if there were any objections to proceeding with Ordinance 159-O-037 (Amend Waukesha County Code of Ordinances Regarding Federated Library Capital Cost Reimbursement Program) without the reading of the statement from County Executive Finley. There were no objections.

Supervisor Paulson moved to suspend the rules and move Ordinance 159-O-037 (Amend Waukesha County Code of Ordinances Regarding Federated Library Capital Cost Reimbursement Program) to the end of the agenda. Supervisor Haukohl seconded the motion.

The Board was polled on the motion and thirty-three (33) votes were cast. Supervisors Marchese, Mitchell, Stroud, Pavelko, Seitz, Thelen, Carlson, Broesch, Dwyer, Manke, B. Morris, Kipp, Bruce and Nilson, fourteen (14) in all voted “no”. The rest, nineteen (19) voted “aye”. The motion carried.

Ordinance 159-O-027 (Amend the Text of the Town of Mukwonago Zoning Ordinance to Create Section 2.02(69A) and Repeal and Recreate Section 14 as It Relates to the R-3 Zoning District (ZT-1533)) was held over in committee and will not be presented at this Board meeting.

Resolution 159-R-006 was presented for action. (Change in Accounting for the Parks and Land Use – Exposition Center from an Enterprise Fund to the General Fund)

Supervisor Kolb moved to adopt Resolution 159-R-006. Supervisor B. Morris seconded the motion.

Supervisor Haukohl moved to amend the fourth line in the RESOLVED paragraph as follows:

Insert a period “.” after the word “budget” and
Delete “and continuing as long as facilities and other grounds improvements are not expanded.”

Supervisor Stamsta seconded the motion.

The Board was polled on the amendment and thirty-three (33) votes were cast. Supervisors Harenda and Gundrum, two (2) in all voted “no”. The rest, thirty-one (31) voted “aye”. The amendment was adopted.

Supervisor Carlson moved to call for the question. Supervisor Stroud seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisors Marchese, J. Morris, Mitchell, Kolb, Cummings, Pavelko, Nilson, Gundrum and Singert, nine (9) in all voted “no”. The rest, twenty-four (24) voted “aye”. The motion carried.

The Board was polled on Resolution 159-R-006 as amended and thirty-three (33) votes were cast. Supervisors Marchese, J. Morris, Kolb, Kallin and Gundrum, five (5) in all voted “no”. The rest, twenty-eight (28) voted “aye”. The resolution was adopted as amended.

Ordinance 159-O-035 was presented for action. (Establishment of Speed Zone – County Trunk Highway “E”)

Supervisor Manke moved to adopt Ordinance 159-O-035. Supervisor Jeskewitz seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisors Thelen, Nilson and Stamsta, three (3) in all voted “no”. The rest, thirty (30) voted “aye”. The ordinance was adopted.

Ordinance 159-O-040 was presented for action. (Approve Amendment to 2004 Airport Operating Budget to Authorize the Transfer of Funds from Airport Fund Balance to Airport Operating Fund for Purchase of a Rotary Snow Thrower)

Supervisor Manke moved to adopt Ordinance 159-O-040. Supervisor Swan seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisor Thelen voted “no”. The rest, thirty-two (32) voted “aye”. The ordinance was adopted.

Resolution 159-R-007 was presented for action. (Support for Creating a New Department of Emergency Preparedness and Transfer Airport to Public Works)

Supervisor Manke moved to adopt Resolution 159-R-007. Supervisor Haukohl seconded the motion.

Supervisor Manke moved to separate Lines 32–36 “NOW BE IT HEREBY RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA that it supports the combining of the Communication Center, Radio Services Operations and Emergency Management divisions and their related programs into a new department of Emergency Preparedness as part of the 2005 budget process to be effective July 1, 2005.” and Lines 38-40 “BE IT FURTHER RESOLVED that the County Board supports the combining of Airport Operations into the Public Works department as part of the 2005 budget process to be effective July 1, 2005” for separate votes. Supervisor Wolff seconded the motion.

Supervisor Kipp moved to call for the question. Supervisor Broesch seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisors Mitchell, Pavelko, Singert, Kolb and Cummings, five (5) in all voted “no”. The rest, twenty-eight (28) voted “aye”. The motion carried.

The Board was polled on the motion and thirty-three (33) votes were cast. Supervisors Pavelko and Harenda, two (2) in all voted “no”. The rest, thirty-one (31) voted “aye”. The motion carried.

The Board was polled on Lines 32-36 “NOW BE IT HEREBY RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA that it supports the combining of the Communication Center, Radio Services Operations and Emergency Management divisions and their related programs into a new department of Emergency Preparedness as part of the 2005 budget process to be effective July 1, 2005.” and thirty-three (33) votes were cast. Supervisors Cummings, Carlson, Pavelko, Jaske and Gundrum, five (5) in all voted “no”. The rest, twenty-eight (28) voted “aye”. The motion carried.

Supervisor Jaske moved to call for the question. Supervisor Stroud seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisors Herro, Stamsta, Jeskewitz, Haukohl, Harenda, J. Morris, Mitchell, Kolb, Cummings, Pavelko, Dwyer, Griffin, Bruce, Nilson and Singert, fifteen (15) in all voted “no”. The rest, eighteen (18) voted “aye”. The motion was defeated.

The Board was polled on Lines 38-40 “BE IT FURTHER RESOLVED that the County Board supports the combining of Airport Operations into the Public Works department as part of the 2005 budget process to be effective July 1, 2005” and thirty-three (33) votes were cast. Supervisors Behrend, Cummings, B. Morris, Manke, Kolb, J. Morris, Stroud, Broesch, Jeskewitz, Carlson, Stamsta, Wolff, Bullermann, Griffin, Kipp, Marchese, Seitz, Pavelko, Jaske, Gundrum, Singert and Nilson, twenty-two (22) in all voted “no”. The rest, eleven (11) voted “aye”. The motion was defeated.

Chairman Dwyer declared a recess.

Ordinance 159-O-041 was presented for action. (Create Full-Time Psychiatrist Position and Abolish Part-Time Psychiatrist Position)

Supervisor Stamsta moved to adopt Ordinance 159-O-041. Supervisor Kallin seconded the motion. The Board was polled and thirty-three (33) votes were cast, all “aye”. The ordinance was adopted.

Proposed Ordinance 159-O-037

Amend Waukesha County Code of Ordinances Regarding Federated Library Capital Cost Reimbursement Program

WHEREAS the Waukesha County Board established the Library Building and Capital Costs Study Committee in the fall of 2003 and asked for a report by March 17 of 2004, and

WHEREAS, of the 37 municipalities in the county, 18 own and operate libraries and the remaining 19 municipalities are taxed by the county to generate operating funds that are distributed to libraries serving the 86,000 residents in these 19 municipalities, and

WHEREAS, the Capital Costs Study Committee was asked to recommend whether or not there should be a capital reimbursement program, and if so, how the program should function, and

WHEREAS the Capital Costs Study Committee recommended that there should be a capital reimbursement tax at the county level on the 19 non-library communities and that the amount be set at \$0.13 in capital funds for every library operating dollar, and

WHEREAS for 2005 purposes the proposal would mean an additional tax of approximately \$356,400 in addition to the 2004 Budget of \$2.8 million levy on these municipalities, and

WHEREAS, it is the committee’s intent that this proposal be revenue neutral so that tax rates in library communities could be proportionately reduced, and

WHEREAS, the Committee recommends that the funding be distributed to libraries in proportion to their circulation of materials to residents taxed by the county, and

WHEREAS the committee recommends distributing funds based on each library's annual use by county-taxed true non-residents (TNR) at each library, e.g. a library with 10% of the TNR circulation would get 10% of the capital funds.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that:

SECTION 1. The County Code of Ordinances, Capital Costs Reimbursement Program, shall be amended to repeal and recreate section 11-4(a), as follows:

a) *Purpose.* The total county library tax levy for provision of funds for public library service shall be the nonresident cost and shall be levied in accordance with section 43.64, Wisconsin Statutes. The levy shall include both an operating cost amount for distribution to libraries based on the Best Fit funding formula and a capital cost reimbursement amount for distribution based on each library's annual circulation to TNR residents.

SECTION 2. The County Code of Ordinances, Capital Costs Reimbursement Program, shall be amended to repeal and recreate section 11-4(c), as follows:

c) *Formula.* The tax levy imposed upon county municipalities without libraries shall be determined by subtracting from the current budget, which has been adjusted for actual year expenditures and revenue, the revenues received to arrive at a net allowable expenditures amount which is then multiplied by the nonresident ratio of use figure. The net allowable expenditure amount shall be increased by adding a 13% factor to account for estimated capital costs as recommended by the Capital Costs Study Committee and calculated by the director of the federated library system. If the federated library system board allocates state funds to local libraries for crossover circulation costs, then state funds allocated for such purposes shall be excluded from the definition of revenues in this section. The current budget is the aggregate budget of all member libraries. The nonresident ratio of use figure is the aggregate total countywide.

1 Adjustment for actual year expenditures and revenues shall be made by calculating the sum of the difference of actual year end figures for allowable expenditures made and revenues received and either reducing or increasing the current year budget adopted by the system member library boards accordingly.

2. Distribution of funding. When distributing the funding generated by the county, the system will use the Best Fit formula elements as outlined in the current and adopted Waukesha County Library Services Plan when distributing the operating funding, and based on annual TNR circulation for purposes of distribution of the capital cost reimbursement amounts.

SECTION 3. This ordinance shall be effective upon approval and publication.

SECTION 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Waukesha, Wisconsin, as an addition or amendment thereto and shall be appropriately renumbered to conform to the numbering system contained therein.

SECTION 5. Any code section or part of a section in conflict with this ordinance is hereby repealed and declared null and void and of no effect.

Memo

TO: James T. Dwyer, County Board Chair

FROM: Daniel M. Finley, County Executive

SUBJECT: Veto of Proposed Ordinance 159-O-037

DATE: August 6, 2004

I have vetoed proposed ordinance 159-O-037 at noon on Thursday, August 5th for the following reasons:

While constitutional amendments limiting local government spending are debated in Madison, now is not the time to be adding new taxes to the property tax in Waukesha County. There will be a significant increase in county tax levy that will result if this ordinance is enacted. The consequence of including capital costs in the formula for the federated library is \$365,400 in new county spending. Over a two-year period taxpayers will be funding a 22% increase in library taxes. While libraries are an important resource, I cannot justify such an exorbitant increase in spending while other core county services are facing significant cuts.

Even when faced with increasing unfunded mandates and soaring health care costs, we have fought hard to hold the line on property taxes. In fact, in the last 10 years the county's average tax levy increase has been under 4%, while during that same period the average increase in library taxes has been over 8% per year.

I think that it is important for supervisors to remember that the federated library tax is not a separate line on the county tax bill, but rather part of the entire general county tax levy. I intend to introduce a county budget that does not exceed the proposed levy freeze. Based on last year's 2.6% increase in construction growth, if this veto is not sustained, we will exceed the levy limit by over \$260,000. I appeal to supervisors supporting this unprecedented increase to identify cuts in county programs to offset the library tax increase. Legislating is all about setting priorities, and your votes to override will result in someone else's ox getting gored.

While I understand area libraries feel they are not being adequately compensated by TNR users (people who use libraries that reside in communities that don't have a library) for the use of their libraries, the answer is not taxation without representation. If you choose to include library capital costs in the federated library tax, you will be mandating that non-library communities pay for the expansion of libraries throughout the county without any ability to vote on that expansion. The current formula requires that non-library community taxpayers share in the increased operating costs of new or expanded facilities (utilities, facility maintenance, increase staff, books etc.). This is a major ongoing contribution to new or expanded libraries that communities decide to build.

In the meantime, if the consensus is that the federated library tax is no longer the fairest means of cost sharing, then let's visit the entire formula and consider the development of a consolidated system, instead of adding a new tax.

DMF:sh

Supervisor Gundrum moved to call for the question. Supervisor Harenda seconded the motion. The Board was polled and thirty-three (33) votes were cast. Supervisors Mitchell, Kolb, Cummings, Carlson, Broesch, Nilson and Singert, seven (7) in all voted "no". The rest, twenty-six (26) voted "aye". The motion carried.

The Board was polled on Ordinance 159-O-037 and thirty-three (33) votes were cast. Supervisors Marchese, Harenda, J. Morris, Mitchell, Kolb, Bullermann, Pavelko, Seitz, Thelen, Broesch, Dwyer, B. Morris, Kipp, Klein, Jaske, Gundrum and Singert, seventeen (17) in all voted "no". The rest, sixteen (16) voted "aye". The veto was upheld.

Supervisor Marchese moved to adjourn to Tuesday, August 24, 2004 at 9:00 a.m. or at the call of the County Board Chair. Supervisor Broesch seconded the motion and it carried by a voice vote unanimously.

The Board adjourned at 10:45 p.m.

Respectfully submitted,

Kathy Nickolaus
Waukesha County Clerk